

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAN'T STOP PRODUCTIONS, INC.,

Plaintiff,

- against -

ORDER

No. 17-CV-6513 (CS)

SIXUVUS, LTD., ERIC ANZALONE, ALEXANDER
BRILEY, FELIPE ROSE, JAMES F. NEWMAN,
RAYMOND SIMPSON and WILLIAM WHITEFIELD,

Defendants.

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Seibel, J.

Before the Court is Intervenor Karen Willis' "Motion to Dissolve TRO and Clarification," (Doc. 219), recharacterized by letter today as an "Emergency Motion for Clarification and Enforcement of Order," (Doc. 223). The March 16, 2018 Order to which Intervenor refers required Defendants to "disable or freeze to the maximum extent possible . . . their verified Facebook page 'Official Village People,' which obligation *may* be satisfied by the transfer of the content of that . . . Facebook page to different URLs that do not employ the term 'Village People' except as part of 'Kings of Disco formerly members of Village People' or 'Kings of Disco former members of Village People.'" (Doc. 127 (emphasis added).) It appears Defendants have disabled their verified Facebook page "Official Village People." One cannot presently access such a page. I am not able to understand Intervenor's argument that there is some distinction between transferring the content to a different URL or leaving the content and putting it under a different URL. As long as Defendants are no longer presenting themselves to the public on a Facebook page that purports to be that of Village People, it seems to me that they are in compliance. At least Intervenor has not explained how Defendants incapacitating the page in the manner they did has harmed her or otherwise failed to constitute "disabling" the page. I thus do not see any reason to act before the

scheduled conference. To the extent Intervenor argues that Plaintiff has the right to control what used to be the verified “Official Village People” Facebook page, that is an issue Plaintiff has not seen fit to raise.

Intervenor has, however, made one point that may need to be addressed before the July 18 conference. Defendants shall explain by letter, no later than July 8, 2019, why the June 18, 2019, 5:51 pm post on the “Official Kings of Disco” Facebook page – which depicts the hats of the six Village People characters along with the words, “The boys are back, the boys are back ... and ready to perform for you” – is permissible.

Intervenor’s application to amend, raised for the first time in her submission today, will be taken up at the July 18 conference.

SO ORDERED.

DATED: July 2, 2019
White Plains, New York


UNITED STATES DISTRICT JUDGE